

Report to Planning Committee

15 September 2021

Application Reference	DC/21/65661
Application Received	12 May 2021
Application Description	Proposed 1 No. 5 bedroom dwelling.
Application Address	Land Rear Of 49 Basons Lane, Oldbury, B68 9SJ
Applicant	Mr Zahit Hussain
Ward	Smethwick
Contact Officer	Dave Paine David_paine@sandwell.gov.uk

1 Recommendations

1.1 That planning permission be granted subject to conditions relating to:


- (i) External materials
- (ii) Boundary treatments
- (iii) Landscaping
- (iv) Drainage
- (v) Electric vehicle parking
- (vi) Method statement for construction
- (vii) Contaminated land
- (viii) Provision and retention of parking
- (ix) Removal of permitted development rights



2 Reasons for Recommendations

- 2.1 The development would provide a welcome additional dwelling of good quality design and appearance, with no significant impact on the amenity of the occupiers of surrounding properties, or harm to the visual amenity of the wider area.

3 How does this deliver objectives of the Corporate Plan?

	Quality homes in thriving neighbourhoods – The design of the proposal is acceptable in respect of national and local planning policy.
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4 Context

- 4.1 This application is being reported to your Planning Committee because the application is an elected Councillor.
- 4.2 To assist members with site context, a link to Google Maps is provided below:

[49 Basons Lane](#)

5 Key Considerations

- 5.1 The site is unallocated in the development plan.
- 5.2 The material planning considerations which are relevant to this application are:-

Government policy (NPPF)
Overlooking/loss of privacy
Loss of light and/or outlook
Overbearing nature of proposal
Design, appearance and materials
Access, highway safety, parking and servicing



6. The Application Site

- 6.1 The application site is situated on the south-west side of Hayes Road, behind number 49 Basons Lane. This is a residential area in character.
- 6.2 Dwellings along Hayes Road are typically semi-detached with hipped roofs. Basons Lane shows a wider range of design types with detached semi-detached and terraced dwellings.

7. Planning History

- 7.1 The property at 49 Basons Lane has planning approval for a two storey side and rear extension, a single storey rear extension, front porch, bay window and new boundary fence.

- 7.2 Relevant planning applications are as follows:

7.3

DC/20/64519	Proposed two storey side/rear and single storey side/rear extensions, front bay window, porch and 2m high timber boundary fence.	Grant approval with external materials. 10 September 2021.
PD/20/01615	Proposed single storey rear extension measuring: 5.0m L x 4.0m H (2.6m to eaves)	Prior approval is not required. 16 December 2021.

8. Application Details

- 8.1 The applicant proposes to construct a five bedroom detached dwelling, with 2 principle stories and a converted loft level with rear dormer. The proposed dwelling would consist of a living room, kitchen/dining room and utility room on the ground floor, three bedrooms, a bathroom and an



ensuite on the first floor, and two bedrooms in the loft. To the side would be an attached garage. There would be a front garden, off-street parking and a substantial rear garden.

8.2 The dwelling would be of a symmetrical, double-fronted design with two bay windows covering both the ground and first floor. The roof would be of a gabled design with two small gabled dormer windows to the front.

8.3 Amended plans have been submitted to increase the depth of the garage, to the rear in order to meet the minimum size standard for parking spaces.

9. Publicity

9.1 The application has been publicised by neighbour notification letter with no objections being received.

10. Consultee responses

10.1 Planning Policy

Planning Policy did not object to the application but noted that sustainable drainage was a requirement.

10.2 Highways

Highway maintain their objection to this proposal on the basis that even with the garage provision there is still a shortfall of one parking space for this development. Refer to point 13.6 for further assessment and explanation.

10.3 Public Health (Air Quality)

Conditions were requested relating to electric vehicle charging and the provision of a method statement to control dust and emissions during construction.



10.4 Public Health (Contaminated Land)

A condition was requested for an investigation into possible contaminated land and for remediation to be carried out should contaminants be discovered.

10.5 Public Health (Air Pollution and Noise)

A condition was requested to restrict construction work to specific hours of 8:30am-6:00pm Monday to Friday and 8:30am-2:00pm on Saturday.

A second condition was requested to prohibit the lighting of fires.

11. National Planning Policy

- 11.1 National Planning Policy Framework promotes sustainable development but states that local circumstances should be taken into account to reflect the character, needs and opportunities for each area.

12. Local Planning Policy

- 12.1 The following policies of the council's Development Plan are relevant:

DEL1: Infrastructure Provision

HOU1: Delivering Sustainable Housing Growth

HOU2: Housing Density, Type and Accessibility

ENV3: Design Quality

ENV5: Flood Risk, Sustainable Drainage System and Urban Heat Island Effect

ENV8: Air Quality

SAD H2: Housing Windfalls

SAD EOS9: Urban Design Principles

Black Country Air Quality SPD



- 12.2 In regard to DEL1, the scheme is liable for the Community Infrastructure Levy (CIL), and required financial payment will contribute towards appropriate infrastructure within the Borough.
- 12.3 The proposal would contribute to the target in HOU1 to provide additional homes.
- 12.4 The proposal meets the requirements of policy HOU2 in that it proposes a larger property type which would be accessible by sustainable transport to residential services. The proposal would also achieve high quality design with minimal amenity impact.
- 12.5 The proposal raises no significant concerns in respect of design and is therefore compliant with policy ENV3 and policy SAD EOS 9.
- 12.6 A condition can be applied to ensure appropriate drainage in accordance with policy ENV5.
- 12.7 In respect of air quality (ENV8), an electric vehicle charging point would be ensured by condition, in accordance with the Black Country Air Quality SPD.
- 12.8 The development site is not allocated for residential development in the SAD Policies Map and is therefore classed as a housing windfall site. Whilst policy SAD H2 would be applicable, the policy officer has confirmed that the proposal meets the guidance set out in the policy, as the site is previously developed land that it is suitable for residential development.

13. Material Considerations

- 13.1 National and local planning policy considerations have been referred to above in sections 11 and 12. With regards to the other material considerations, these are highlighted below:



13.2 Loss of light and outlook

The dwelling would be sufficiently distant from neighbouring properties to ensure no significant loss of light would occur. The side to rear separation distance from 49 Basons Lane would be 14 metres which meets the standard required by the residential design guide.

13.3 Overlooking/loss of privacy

The separation distances meet the requirements of the residential design guide. These are 14m for side to rear two storey elevations, and 21m for rear to rear facing two storey elevations. The side elevation facing 49 Basons Lane would have no windows, to further protect privacy.

13.4 Overbearing nature of the proposal

This dwelling would be of a reasonable scale and would sit comfortably in the plot and in the street-scene. The ridge height of the roof would be slightly greater than the neighbouring property at 1 Hayes Road but this difference would not have a significant impact.

13.5 Design, appearance and materials

Although the design of this dwelling would differ from the neighbouring dwellings on Hayes Road, the wider context including Basons Lane reveals a broad range of styles. This proposal is a high-quality design which would enhance the visual amenity of the neighbourhood. Materials shown on plan appear to be acceptable, considering those used in the surrounding area, but the specifics of material type would be ensured by condition. Furthermore, sufficient external amenity space would be provided for future occupants.



13.6 Access, highway safety and parking

The revised plans show 2 acceptable off-road parking spaces (including the garage). This falls short of the required standard of 3 spaces for 5 bedroom houses. However, there are some mitigating factors here. The area to the front of the house, along Hayes Road has plenty of available on-street parking if required. The removal of permitted development rights would also prevent the dwelling from being enlarged to create additional bedrooms, without Council control.

The NPPF states;

“Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.”

There is no evidence that a single vehicle displaced onto the highway in this location would create an unacceptable impact on highway safety or that a cumulative impact on the road network would occur.

13.7 Other matters

Due to the large size of this proposed dwelling, along with the proposed converted loft space and rear dormer, I would consider it prudent that permitted development rights are removed in order to safeguard occupiers of neighbouring properties from development which may cause harm to residential amenity.



14 Alternative Options

- 14.1 Refusal of the application is an option if there are material planning reasons for doing so. In my opinion, relevant material considerations would not cause harm to residential amenity.

15 Implications

Resources:	When a planning application is refused the applicant has a right of appeal to the Planning Inspectorate, and they can make a claim for costs against the Council.
Legal and Governance:	This application is submitted under the Town and Country Planning Act 1990.
Risk:	None.
Equality:	There are no equality issues arising from this proposal and therefore an equality impact assessment has not been carried out.
Health and Wellbeing:	None
Social Value	None

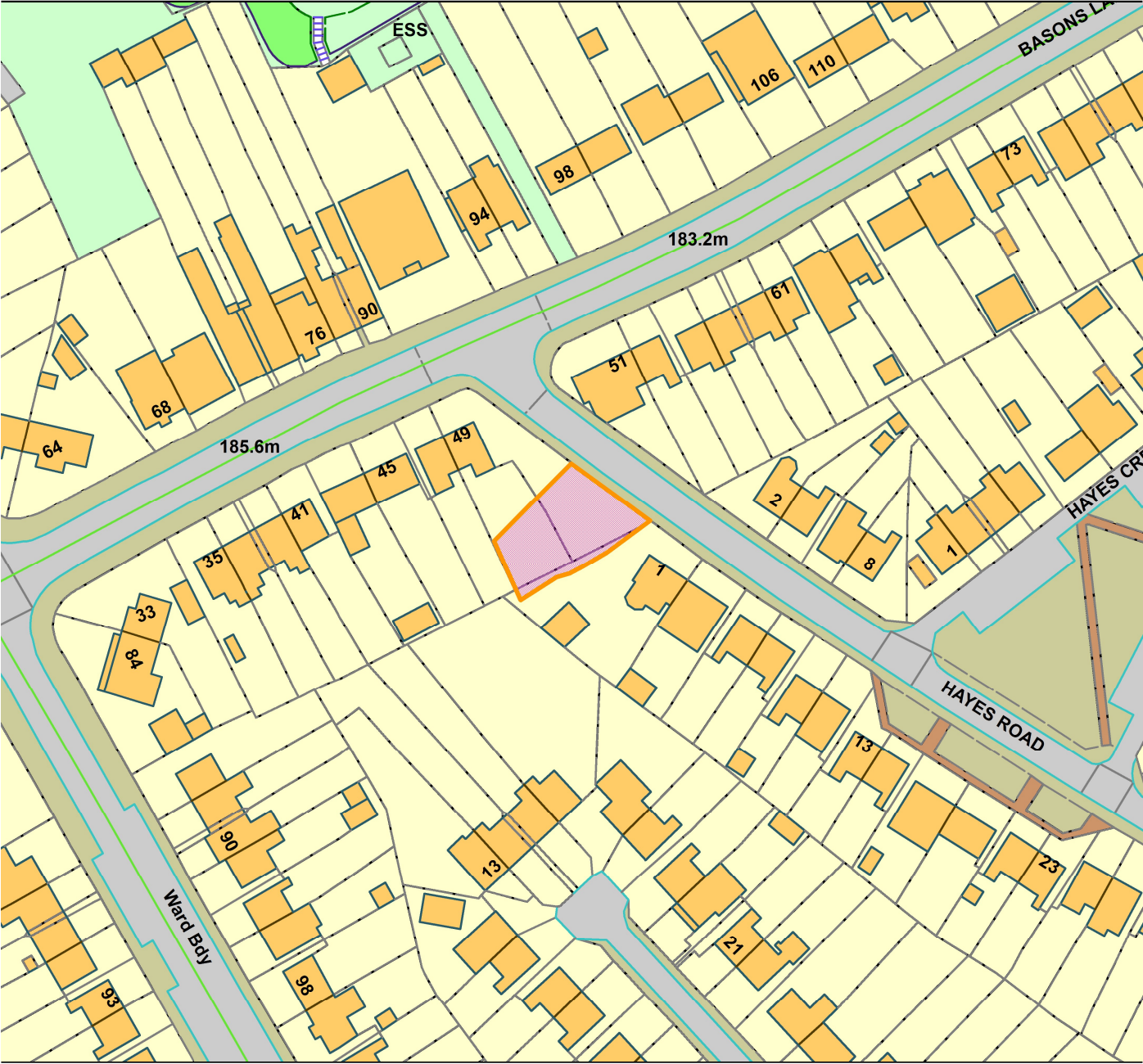
16. Appendices

101A

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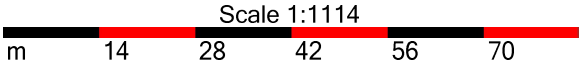
DC/21/65661
Land Rear of 49 Basons Lane, Oldbury



Legend

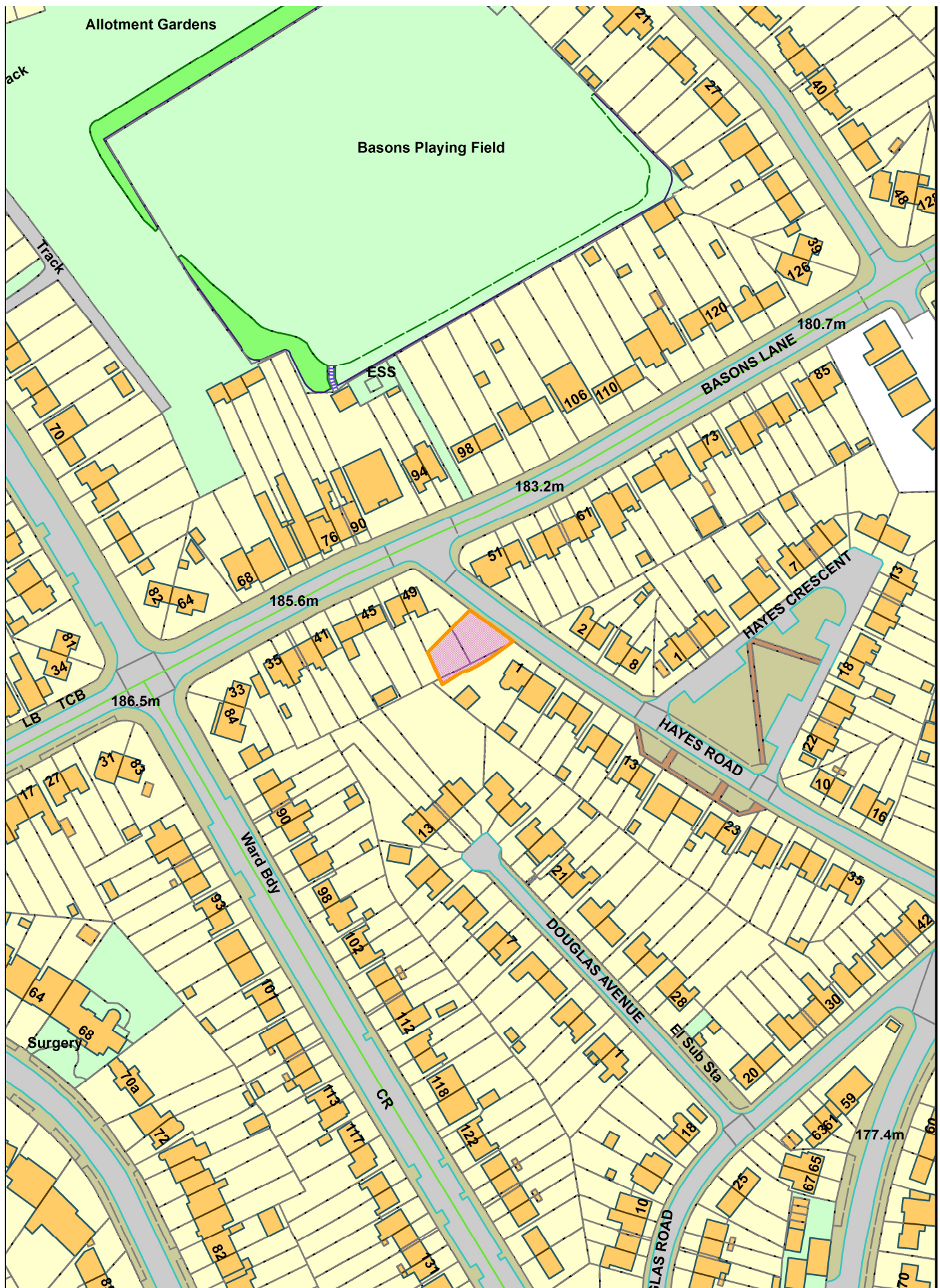
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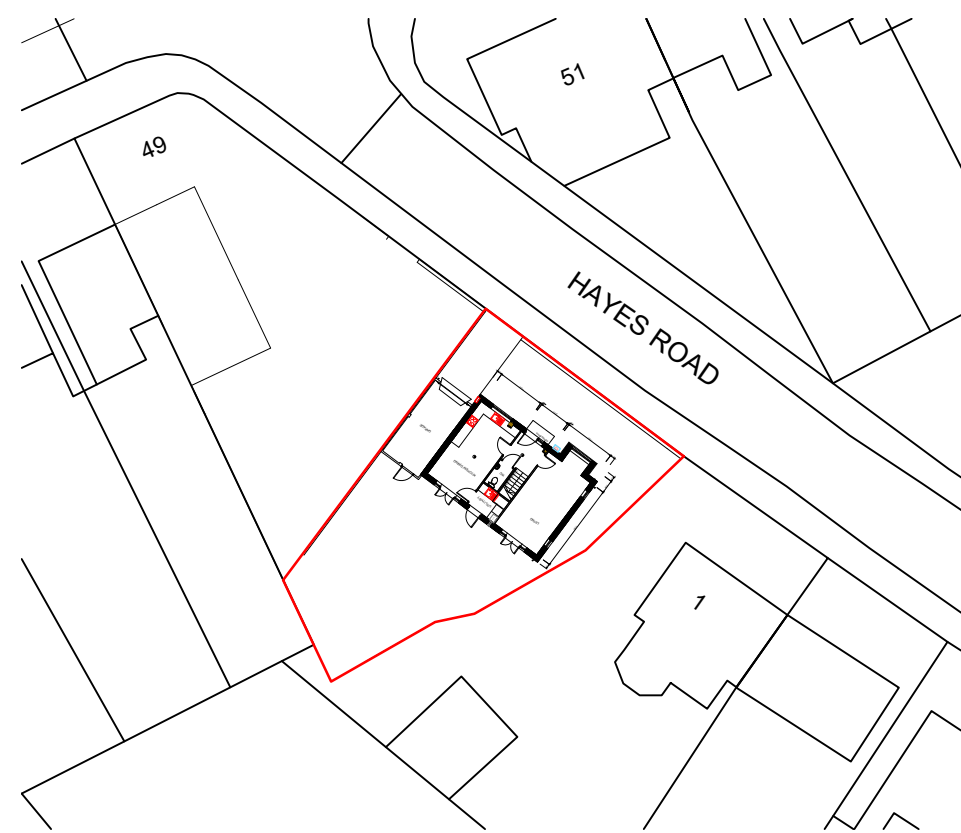
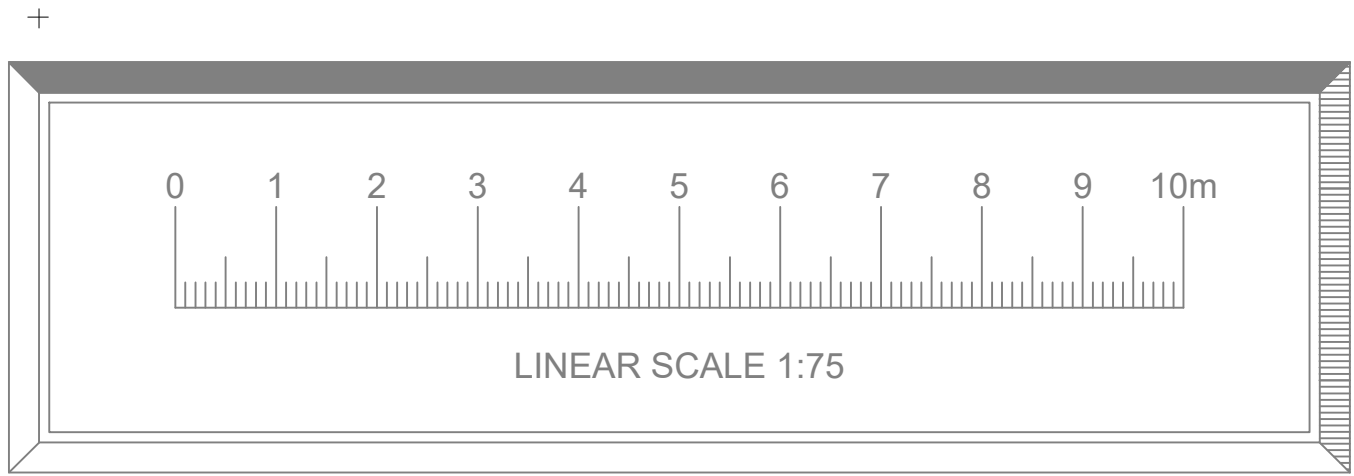
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Organisation	Not Set
Department	Not Set
Comments	Not Set
Date	25 August 2021
OS Licence No	





Block Plan Scale 1:500



Location Plan Scale 1:1250

All dimensions to be checked on site and not scaled from this drawing⁺



Assumptions made on previous applications

Street Scene Scale 1:75

PROJECT
New 5B Dwelling
LOCATION
Hayes Road
Rear of Basons Lane

CLIENT
Zahir Hussain
DRAWING TITLE
Street Scene

REV	DATE	REVISION	BY

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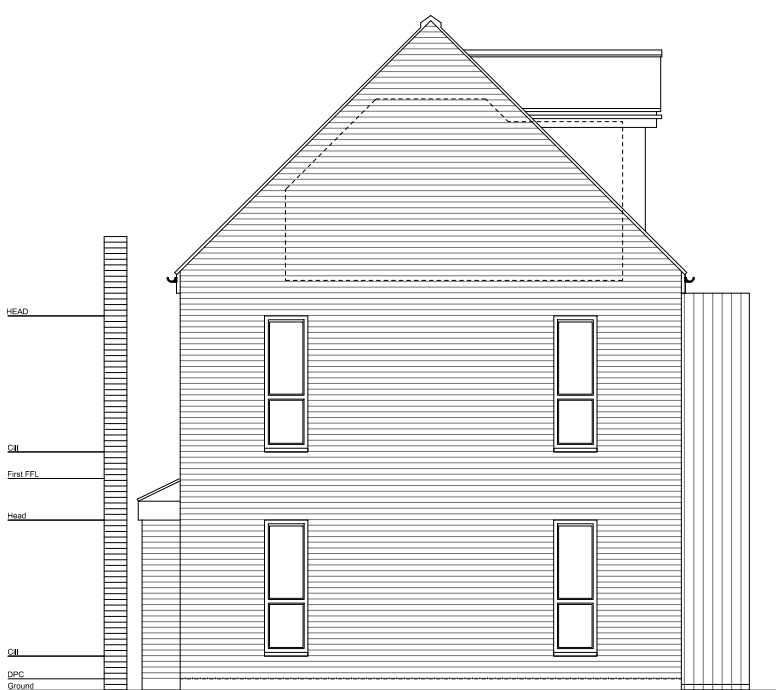
SCALES As Shown SHEET SIZE A1
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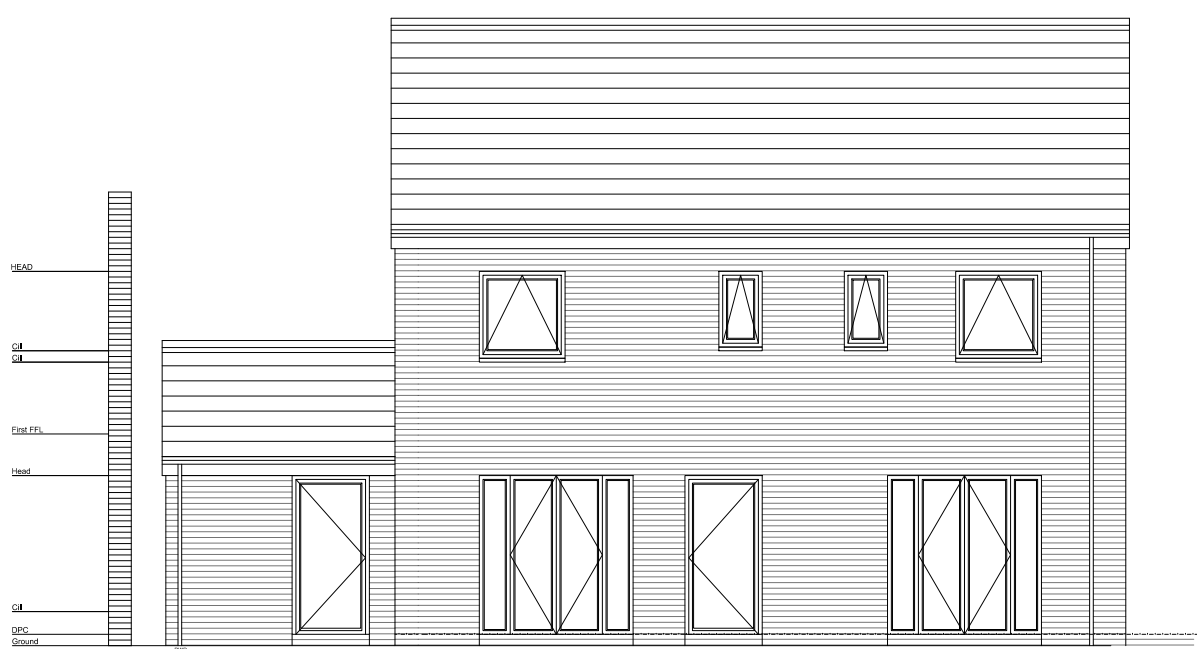
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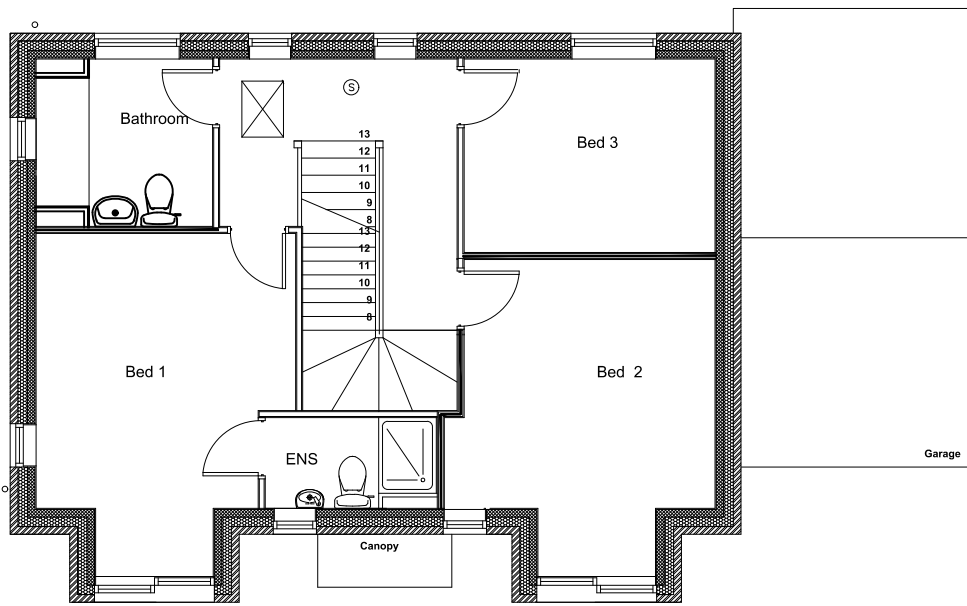
Front - South West Elevation Scale 1:50



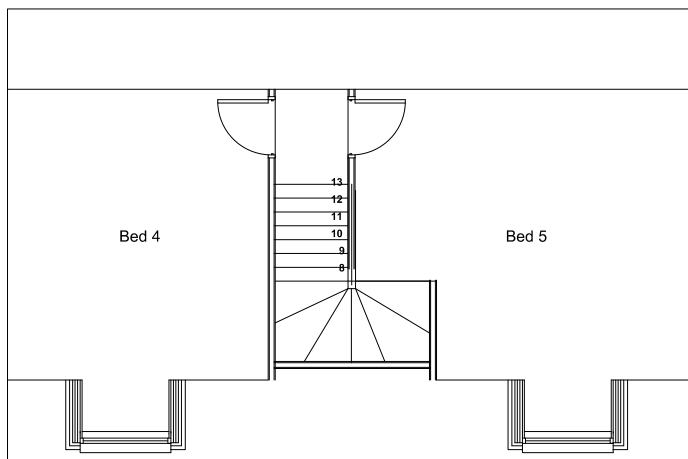
Side - North West Elevation Scale 1:100



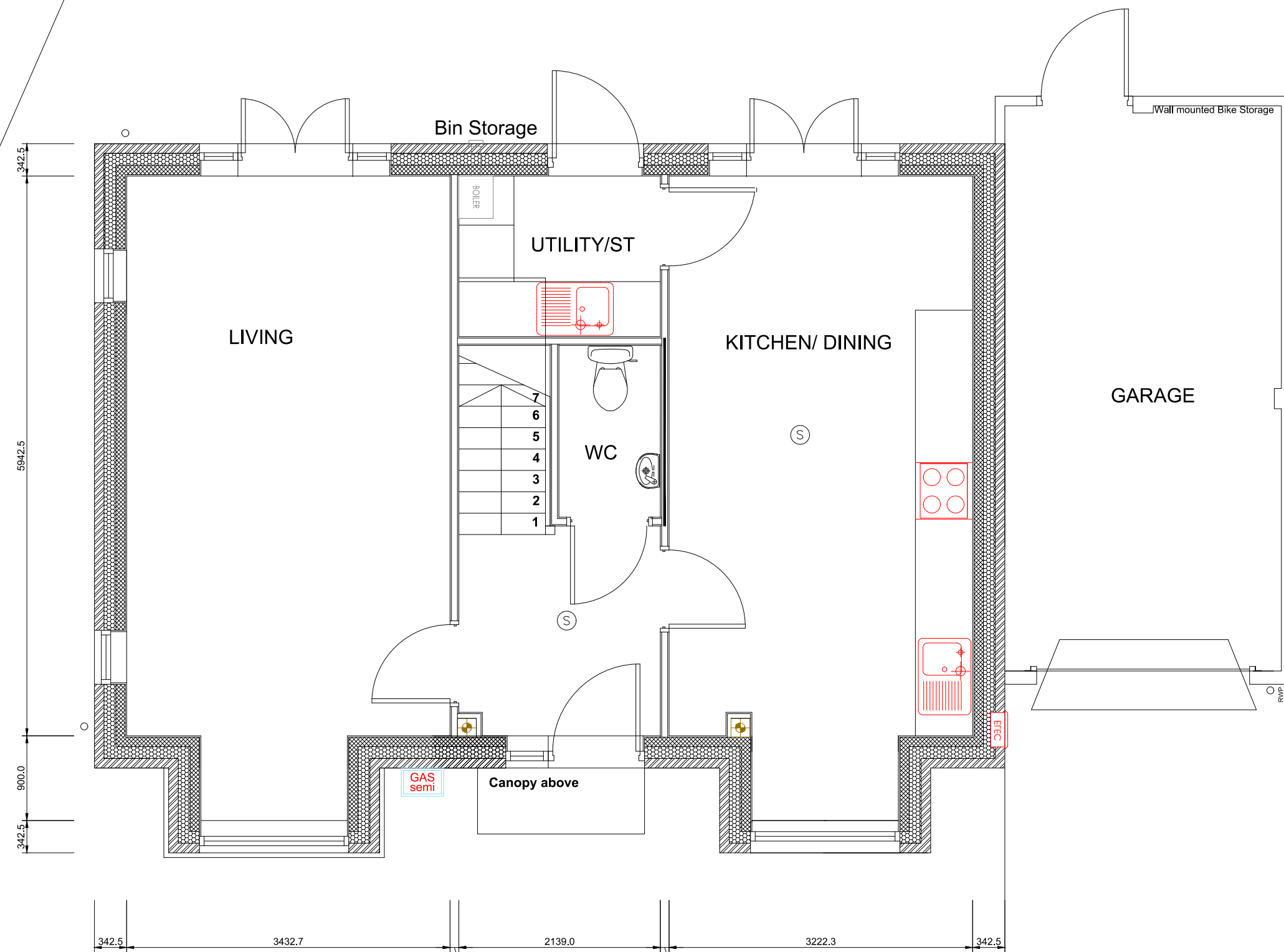
Rear - North East Elevation Scale 1:100



Proposed First Floor Plan Scale 1:100



Proposed Loft Floor Plan Scale 1:100



Proposed Ground Floor Plan Scale 1:50

PROJECT
New 5B Dwelling
LOCATION
**Hayes Road
Rear of Basons Lane**

CLIENT
Zahir Hussain
DRAWING TITLE
**Proposed Plans
and Elevations**

REV	DATE	REVISION	BY
A	07/2021	Enlarged garage as per LA request	

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SCALES As Shown SHEET SIZE A1
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